

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

United States of America,  
Plaintiff,

vs.

Robert Allen Pooley,  
Defendant.

Sacramento, California  
No. 2:21-cr-00111  
Fri., May 24, 2024  
10:56 a.m.

PARTIAL TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE WILLIAM B. SHUBB, SENIOR JUDGE  
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APPEARANCES:

For the Plaintiff:

United States Attorney  
501 I Street, Suite 10-100  
Sacramento, California 95814  
By: Katherine Lydon  
Dhruv M. Sharma  
Assistants U.S. Attorney

For the Defendant:

Office of the Federal  
Defender  
801 I Street, 3rd Floor  
Sacramento, California 95814  
By: Mia Crager  
Meghan McLoughlin  
Assistants Federal Defender

Official Court Reporter:

Kimberly M. Bennett,  
CSR, RPR, RMR, CRR  
501 I Street  
Sacramento, CA 95814

Proceedings recorded by mechanical stenography, transcript  
produced by computer-aided transcription

1 (Prior proceedings held.)

2 (Jury not present, 11:09 a.m.)

3 THE COURT: I don't know of any better time to  
4 finally rule upon the motions for judgment of acquittal which  
5 I've had more time to think about since the arguments at the  
6 conclusion of the case. And I didn't grant the motion with  
7 respect to Counts 4 and 6 at the time it was made because I  
8 wanted to wait to see whether the jury would convict on those  
9 counts. But the jury has now convicted on those counts and I  
10 don't want to prolong or to distort the proceedings by having  
11 the probation officer create a report that assumes convictions  
12 on those counts if I'm going to grant the motion for judgment  
13 of acquittal.

14 By not granting it earlier, my understanding of the law is  
15 that I preserved the right of the government to appeal. I  
16 could have granted the motions and it would be my understanding  
17 that if I did so before the jury returned its verdict, the  
18 government could not appeal and the government could not  
19 recharge those counts, and that would be the end of it. So  
20 whether you may agree with me or not, I think I did the  
21 government a favor by not ruling when I could have earlier.

22 But for the reasons that Ms. Crager stated in her  
23 arguments, both written and the oral arguments to the Court,  
24 the Court finds that there is insufficient evidence to sustain  
25 a conviction on Counts 4 and 6 of the indictment. So the Court

1 grants the motion for judgment of acquittal on each of those  
2 counts.

3 Now, with regard to the remaining counts, this matter is  
4 referred to the probation officer for presentence report. The  
5 matter will be continued to August the 26th, if that's  
6 convenient to both sides, at 9:00 a.m.

7 MS. LYDON: Thank you, Your Honor.

8 MS. CRAGER: Yes, Your Honor. That's fine.

9 And I did just want to state that we do intend to renew the  
10 Rule 29 motion, at least to Count 5, and we intend to do so in  
11 writing.

12 THE COURT: All right. I guess I can't stop you.

13 MS. CRAGER: August 26th, Your Honor?

14 THE COURT: Yes.

15 But you're kind of defeating the -- my purpose stated a  
16 moment ago. I don't want the probation officer to prepare a  
17 report on counts that are ultimately going to be dismissed. I  
18 don't think I'm going to dismiss Count 5, but I can't stop you  
19 from filing the motion.

20 MS. CRAGER: Yes, Your Honor. We could push out the  
21 date a couple of weeks.

22 THE COURT: What do you mean push it out?

23 MS. CRAGER: The August 26th date. We intend to file  
24 a written motion soon.

25 THE COURT: Would you rather keep the August 26th

1 date or push it out?

2 MS. LYDON: Let's keep it. I think Your Honor knows  
3 the evidence and --

4 THE COURT: We'll keep it in there.

5 So, Mr. Pooley, a report is going to be prepared now by a  
6 probation officer in order to assist the Court in determining  
7 the sentence in your case. You're going to be asked to give  
8 information to the probation officer in connection with that  
9 report. If you wish to have Ms. Crager or Ms. McLoughlin with  
10 you when you talk to the probation officer, you may have one or  
11 both of them present.

12 You're ordered to be back here in this court at 9:00 a.m.  
13 on August the 26th for judgment and sentence.

14 Is there anything else at this time?

15 MS. LYDON: No. Thank you, Your Honor.

16 MR. SHARMA: No. Thank you, Your Honor.

17 THE COURT: All right.

18 (Proceedings adjourned, 11:13 a.m.)

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20 I certify that the foregoing is a correct transcript from the  
21 record of proceedings in the above-entitled matter.

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23 /s/ Kimberly M. Bennett  
24 KIMBERLY M. BENNETT  
25 CSR No. 8953, RPR, CRR, RMR